REMARKS

I. Introduction

Applicants add new claims 38-44. Therefore, by this Amendment, claims 1-44 are pending in the application.

Claims 1-29 and 31-37 have been examined and stand rejected. Specifically, claims 1-4, 6-29 and 31-37 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by newly cited Skladman et al., U.S. Patent No. 6,400,810 (hereinafter "Skladman"). Additionally, claim 5 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Skladman in view of Shaffer et al., U.S. Patent No. 6,094,681 (hereinafter "Shaffer").

Applicants overcome the rejections of claims 1-29 and 31-37 as follows.

II. Claims Rejections -- 35 U.S.C. § 102(e)

Claims 1-4, 6-29 and 31-37 stand rejected under § 102(e) as allegedly being anticipated by Skladman.

Claims 1 and 16

Applicants amend claims 1 and 16 to further clarify the features recited therein. Applicants respectfully submit that these amendments are not intended to narrow the scope of the original claims, but are rather for precision of language and to explicitly recite within the claim what was believed to have already been implicitly defined therein. Accordingly, these amendments do not foreclose application of reasonable equivalents.

Claim 1 recites, *inter alia*, that "said notification server is not in direct communication with said event generating system" (*see also* claim 16). The Examiner alleges that Skladman describes a notification server that is not in direct communication with said event generating system at col. 5, lines 5-42 and in Fig. 1. To the contrary, in Skladman, the event generating system 12 and the notification system 14 are clearly in direct communication with one another (Skladman: Fig. 1; *see also* Examiner's remarks at Office Action, ¶ 14). An e-mail notice is generated by the e-mail system 12 to indicate the arrival of a new e-mail message (Skladman: col. 3, lines 37-40). These e-mail notices originate at the e-mail server 18 (*Id.*). From the e-mail server 18, these e-mail notices are directly passed to the notification server 26 of the notification system 14 (*Id.*; *see also* col. 5, lines 13-14). Indeed, all of the e-mail notices get passed to the notification server 26, which then determines their fate using a filter list 16 (Skladman: col. 5, lines 20-25). Thus, Skladman fails to disclose or suggest that "said notification server is not in direct communication with said event generating system", as recited in claims 1 and 16.

It may assist the Examiner's understanding to consider the exemplary system illustrated in Applicants' Fig. 2. Therein, for example, event-generating systems (*e.g.*, an e-mail system) internal to a notification service provider 32 are connected to the notification server 30 via an internal server 39 or via a notification protocol adapter 38. Likewise, event-generating systems external to the notification service provider 32 are connected to the notification server 30 via a notification protocol adapter 38, and communicate, for example, over the Internet.

For at least these exemplary reasons, claims 1 and 16 are not anticipated by Skladman.

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Claims 2-4, 6-15, 17-25 and 33-37

Consequently, claims 2-4, 6-15, 17-25 and 33-37 are not anticipated by Skladman at least

by virtue of their dependency.

Claim 26

Applicants amend claim 26 to further clarify the operation of "sending said notification

request message directly to said notification server". Applicants respectfully submit that these

amendments are not intended to narrow the scope of the original claims, but are rather for

precision of language and to explicitly recite within the claim what was believed to have already

been implicitly defined therein. Accordingly, these amendments do not foreclose application of

reasonable equivalents.

In claim 26, the triggering event for generating a notification request is the notification

request itself (*see, e.g.,* Applicants' Specification at page 20, line 22 to page 21, line 20). Thus,

a requesting user can request notification of a subscriber without knowing the contact

information (*e.g.*, an e-mail address) of the subscriber, for example, by using the subscriber's

name or other identifying information and allowing the notification server to ensure that the

subscriber is located and notified (*Id.*).

Skladman fails to disclose or suggest requesting a notification of a subscriber by a

requesting user and sending a notification request message directly to the notification server (*see*

claim 26). Instead, in Skladman, e-mail notices are generated in response to incoming e-mail

messages (Skladman: col. 2, lines 54-56). Thus a subscriber in Skladman would be notified in

response to receipt of an e-mail (addressed to the subscriber) and not because of a request from a

requesting user. Furthermore, any such request in Skladman would first involve the generation

of an e-mail (via e-mail client 20) and its subsequent transmission to and storage at the e-mail

server 18, as opposed to sending a notification request message directly to the notification server

26 (Skladman: Fig. 1).

For at least these exemplary reasons, claim 26 is not anticipated by Skladman.

Claims 27-29 and 31-32

Consequently, claims 27-29 and 31-32 are not anticipated by Skladman at least by virtue

of their dependency.

III. Claim Rejections -- 35 U.S.C. § 103(a)

Claim 5 stands rejected under § 103(a) as allegedly being unpatentable over Skladman in

view of Shaffer. Shaffer fails to cure the exemplary deficiencies of Skladman noted above for

claim 1. Consequently, claim 5 is patentable over a reasonable combination, if any, of Skladman

and Shaffer at least by virtue of its dependency.

IV. New Claims 38-44

Applicants add new claims 38-43 in order to obtain a more varies scope of protection.

Support for claims 38-42 can be found at least in Applicants' Specification at pages 5-8 and in

Fig. 2. Support for new claims 43-44 can be found at least in Applicants' Specification at page 21, lines 1-3.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

1.   (Twice Amended) A system for notifying a subscriber upon an occurrence of an event, the system comprising:

an event-generating system for generating the event;

a notification request sender for detecting the occurrence of the event and for preparing a notification request according to an open network protocol; and

a notification server for receiving said notification request from said notification request sender according to said open network protocol, and for notifying the subscriber of the occurrence of the event,

wherein said notification server is not in direct communication with said event-generating system.

16.   (Amended) A method for notifying a subscriber upon an occurrence of an event in an event-generating system, the method comprising:

(a)   providing a notification server, wherein said notification server is not in direct communication with said event-generating system;

(b)   detecting the occurrence of the event at the event-generating system;

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(c)   preparing a notification request according to an open network protocol;

(d)   transmitting said notification request to said notification server according to said

open network protocol; and

(e)   notifying the subscriber of the occurrence of the event according to said

notification request.

26.   (Twice Amended) A method for sending a message to a subscriber by a

requesting user, the method comprising:

(a)   providing a notification server;

(b)   requesting a notification of the subscriber by the requesting user, wherein a

notification mechanism for notifying the subscriber is determined independently of the manner in

which the requesting user provides the message notification request message;

(c)   sending said notification request message directly to said notification server;

(d)   selecting said notification mechanism for notifying the subscriber by said

notification server; and

(e)   sending said notification to the subscriber through said notification mechanism by

said notification server.

Claims 38-44 are added as new claims.